

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAFESPAN PLATFORM SYSTEMS, INC.,
et al.,

Plaintiffs,

v.

ORDER
06-CV-726A

EZ ACCESS, INC., et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 17, 2011, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiffs' motion to dismiss defendants' Third Affirmative Defense and counterclaims regarding the enforceability of plaintiffs' patents in their First Amended Answer be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiffs' motion to dismiss defendants' Third Affirmative Defense and counterclaims regarding the enforceability of plaintiffs' patents in their First Amended Answer is denied. The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 24, 2011